

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

KRISTIE SCHWERT,)	
Plaintiff,)	
-vs-)	Case No. 1:20-cv-539
TRIANGLE SERVICES, LLC,)	
Defendant.)	

COMPLAINT FOR DAMAGES

Plaintiff Kristie Schwert (“Schwert”), by counsel, for her causes of action against Defendant Triangle Services, LLC (“Triangle”) alleges the following:

Jurisdiction & Venue

1. This action arises under the Fair Labor Standards Act of 1938 (“FLSA”), 29 U.S.C. §§ 201 et seq.
2. This Court has jurisdiction of this cause under 28 U.S.C. § 1331 and 29 U.S.C. §216(b).
3. Venue is proper under 28 U.S.C. § 94(b)(1), § 1391 in that Plaintiff resides in and the cause of action arises in the Southern District of Indiana, Indianapolis Division.

Parties

4. Schwert is an adult.
5. Triangle is a domestic limited liability company.

Factual Allegations

6. Schwert started working for Triangle or any predecessor in interest in or about February 2019.
7. Schwert is still employed by Triangle.

8. Triangle has always paid Schwert by the hour.
9. Schwert typically worked through her lunch break.
10. Triangle required Schwert to work 'off hours' by being available by phone.
11. Schwert would routinely take files home to work after regular business hours.
12. Schwert would typically work more than forty hours in a workweek while at the office, in addition to the time worked away from the office.
13. Triangle did not pay Schwert overtime for hours worked over forty in a week.
14. Near the end of a month, Schwert's workload would typically increase even more for end-of-month billing.
15. Schwert's workload never allowed her to take hours off in a later week.
16. Triangle failed to pay Schwert this accumulated compensatory time at the next scheduled pay date.
17. Triangle is an "employer" as defined by 29 U.S.C. §203(d).

Cause Of Action

18. Triangle's failure to pay Schwert overtime for hours worked in a week over forty violated 29 U.S.C. § 207.
19. Triangle's failure to pay Schwert entitles her to the remedies of 29 U.S.C. § 216(b), being the unpaid wages, an equal amount in liquidated damages, costs and attorney's fees.

Claims For Relief

Plaintiff by counsel prays that this Court will

- A. ENTER judgment in her favor and against Defendant;
- B. AWARD such relief determined to be proper, including liquidated damages pursuant to 29 U.S.C. 216(b);
- C. AWARD attorney's fees and costs pursuant to 29 U.S.C. 216(b), and
- D. GRANT all such other relief as may be proper.

/s/Christopher K. Starkey

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